

UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

In Re Application of:)
)
FAMILY BROADCASTING ORDER TO)
SHOW CAUSE WHY THE LICENSES)
FOR STATIONS WSTX (AM) AND) Docket No. EB-01-39
WSTX (FM), CHRISTIANSTED,)
UNITED STATES VIRGIN ISLANDS,)
SHOULD NOT BE REVOKED)
/

Deposition of: Barbara James-Peterson

Pages: 1 through 258

Place: Washington, D.C.

Date: January 15, 2003

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ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

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UNITED STATES VIRGIN ISLANDS,)	
SHOULD NOT BE REVOKED)	

Deposition of:

BARBARA JAMES-PETERSEN

a witness of lawful age, taken on behalf of the Plaintiff,
pursuant to notice, in the office of Daniel A. Huber,
Esquire, 560 N Street, S.W., Washington, D.C., on
Wednesday, January 15, 2003 at 10:17 a.m., before Beth
Roots, Notary Public in and for the District of Columbia,
when were present:

APPEARANCES :

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C O N T E N T S

WITNESS :

Barbara James Petersen

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E X H I B I T S

<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>DESCRIPTION</u>
1	34	8/25/97 letter.
2	36	12/8/97 official notice of violation.
3	36	12/8/97 official notice of violation.
4	38	5/28/98 letter.
5	38	5/28/98 letter.
6	39	4/23/98 letter.
7	39	4/23/98 letter.
8	41	5/1/00 notice of violation.
9	41	5/1/00 notice of violation.
10	48	7/19/00 letter.
11	48	7/19/00 fax
12	190	Shares Family Broadcasting, Inc.
13	190	List of shareholders
14	195	12/10/01 letter
15	195	Copies of stock certificates.
16	196	Gift and conveyance of sale.
17	197	FCC-315.
18	197	FCC-323
19	201	Certificate of good standing.

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E X H I B I T S (CONT'D)

<u>EXHIBITS</u>	<u>IDENTIFIED</u>	<u>DESCRIPTION</u>
20	224	Declaration signed by B. James-Petersen in 3/01.
21	243	FM broadcast station construction permit.

P R O C E E D I N G S

(10:17 a.m.)

THE REPORTER: My name is Beth Roots. I am a Notary Public for the District of Columbia. Today is the 15th day of January 2003. We are at 560 N Street, S.W., Washington, D.C. This is the case of Family Broadcasting. For Family Broadcasting present are Lauren Colby and Daniel Huber. For the Federal Communications Commission: Hillary DeNigro, James Shook and Kathryn Berthot.

Ms. Petersen, would you please raise your right hand?

Whereupon,

BARBARA JAMES-PETERSEN

having been duly sworn, was called as a witness and was examined and testified as follows:

DIRECT EXAMINATION

BY MS. DeNIGRO:

Q Ms. Petersen, is anything affecting your ability to testify today?

A No, nothing at all. Just a slight headache and a cold but I'll be fine.

Q Okay. Let us know if you need to take a break and we can do that. If you don't understand a question that I have asked, ask me to repeat it or for clarification. I wanted to remind you that we both can't speak at the same

1 time because it makes it difficult for the court reporter to
2 get us a transcript of the proceeding. We don't want you to
3 guess at any answers today so: I don't know is an acceptable
4 answer, if you don't know the response to a question.

5 I am going to try not to repeat any questions that
6 you were asked in your deposition in May 2001 but I may need
7 to ask for some clarifications of facts or dates, or lay a
8 foundation for certain questions. I know that you've been
9 deposed that one other time in May 2001. Have you been
10 deposed in any instances other than that?

11 A No, I have not.

12 Q Okay. Have you seen the transcript of your
13 deposition or anyone else's deposition in this case?

14 A Yes, I have.

15 Q What transcripts have you seen?

16 A I saw my transcript and I looked over the
17 transcript **of** my parents.

18 Q Okay. Other than your attorneys, have you
19 discussed the content of your deposition with anyone?

20 A No, I have not.

21 Q Some of the questions that I ask today may seem
22 personal in nature and I wanted to assure you that we are
23 not intending to focus on your personal life in any way. The
24 purpose of the questions are only to examine the factual
25 basis of the issues in the order to show cause. If those

1 questions are personal in nature, I'm sorry and we don't
2 intend to intrude in any way in your personal life. Can you
3 state your current position with Family Broadcasting?

4 A I am currently the General Manager and I serve as
5 President of Family Broadcasting, Incorporated.

6 Q How long have you held each of those positions?

7 A I have been General Manager since I returned to
8 the radio station in July 1998 and that was mostly just
9 having the title. I did not really have the authority until
10 the year 2001, in March 2001, when the documents were filed
11 for me to become President of Family Broadcasting. Upon my
12 return to St. Croix that's when I had more authority. I was
13 able to, you know, do a lot more and actually perform the
14 duties of General Manager.

15 Q Can you tell me what the duties of the General
16 Manager are?

17 A Well, my duties as General Manager is to oversee
18 the daily operation of the radio station and to be sure that
19 all documentation necessary for the operation of the station
20 is up to par, everything is filed, and all records are kept
21 correctly. That's more or less my duties.

22 Q What does it mean to have the title of General
23 Manager but not really the authority?

24 A Well, let me clarify that. I was given the title
25 of General Manager when I first went back to the radio

1 station but my father was actually the one who was calling
2 all of the shots. I did not have that authority.

3 Q What sort of tasks did you undertake during that
4 period?

5 A At the time, the only thing I did was make sure,
6 you know, oversee the daily operation of the station and
7 make sure everyone was in on time and spots were run on time
8 and the daily log that the announcers have to follow in
9 order to run the advertisements and made sure everything is
10 set. Those were more or less my duties.

11 Q Did you report to anyone during that period of
12 time?

13 A Well, the only person was my father. He would
14 ask: Well, how are things going at the station? I was
15 responsible for the daily operations and I made sure
16 everything went well. Everyone reported to work, you know,
17 and we didn't have any problems with the equipment. That
18 was more or less what it was.

19 Q To verify some of your professional history prior
20 to that time, I think you said in your last deposition that
21 you were General Manager at the radio stations from 1990
22 until 1992. Is that correct?

23 A Yes.

24 Q What were your responsibilities at that time?

25 A At that time, it was the same as it was when I

1 first went back in 1998 because my parents asked me to move
2 from Maryland to come back home and give them a hand with
3 the station. I thought that I would actually have the
4 authority to do everything that a General Manager should.
5 However, I found that my father was the one who took the
6 responsibility of doing everything. All I was simply
7 responsible for was the daily operations and that was the
8 extent of it.

9 Q Your parents asked you to come back to St. Croix
10 in 1990?

11 A To help them. Yes, they did.

12 Q Was that the only reason that you moved back to
13 St. Croix in 1990?

14 A Yes, it was.

15 Q You only stayed at the station for two years at
16 that time?

17 A Yes, I did.

18 Q Were you dissatisfied with the position of General
19 Manager at that time?

20 A Well, to be perfectly honest, I didn't feel
21 comfortable just having a position, you know, a title and
22 not the authority to do what I was supposed to be doing. So
23 I was offered a position at the legislature **of** the Virgin
24 Islands with my brother, who was a Senator at the time, and
25 I took that position as a legal researcher. Then, later, I

1 became his Chief of Staff.

2 Q In and around 1992, did you discuss the problems
3 that you had with being General Manager with your father at
4 that time?

5 A Yes, I did but I don't know if you've met my
6 father. He is an extremely head-strong person. I don't
7 know how to put it in a very nice way but my father is a
8 male chauvinist.

9 Q Okay.

10 A I have told him that. I am 51 years of age and I
11 have lived it. And there comes a time when you have to
12 actually put your foot down and, you know, that's what I
13 did.

14 Q When you say you put your foot down, you mean you
15 did that by going to the --

16 A I went and I took another job.

17 Q You said you took the position as a legal
18 researcher. Was this with your brother's Senate office? **Is**
19 that right?

20 A Yes, it was.

21 Q You were there from 1992 until 1998, correct?

22 A Well, the end of 1997.

23 Q Until the end **of** 1997. What did you do from '97
24 to '98?

25 A From '97 to '98, I did legal research for my

1 father and took care of my son, who was sick.

2 Q Okay. During the period that you were working in
3 your brother's office, can you describe for me what your
4 daily tasks were and what your responsibilities were?

5 A Okay. I assisted with the preparation of bill of
6 request that he wanted to have -- we got them up to the
7 Legal Counsel's office. I was responsible for preparing
8 those.

9 Q Can you define what a bill of request is?

10 A A bill of request? When a Senator wants to
11 introduce a bill in the legislature, it has to be prepared
12 in a certain manner. Those were my duties. It has to go up
13 to the Legal Counsel's office. They have to check that and
14 they have to sign off on it. They give it a bill number and
15 then it's passed around for sponsorship, prior to being
16 assigned to a committee and then goes up, you know, through
17 the committee process and then to the whole body.

18 Q Other than the bill of requests, what were your
19 responsibilities?

20 A I also did a little bit of secretarial work.
21 Wherever help was needed in the office, I pitched in. I did
22 a little of everything.

23 Q How many people worked in the office at that time?

24 A Initially, he had approximately five or six
25 persons. It was a very small staff because, you know, the

1 funding that he was given -- in his first term, he was a
2 majority Senator and in his second term, he was a minority
3 Senator, so the number of employees decreased also.

4 Q At his office, did you have your own desk and your
5 own phone?

6 A Yes, I did.

7 Q Did you have a salary when you were working for
8 him?

9 A Yes, I did.

10 Q Did you have benefits when you were working in his
11 office?

12 A Yes, I did.

13 Q Did you go to the office on a daily basis, to the
14 Senate office on a daily basis?

15 A Yes, I did.

16 Q You worked how many hours a day?

17 A There were many times when ordinarily it would be
18 8:00 to 5:00 but I never worked 8:00 to 5:00. I would work
19 from 8:00 in the morning once I got the children to school
20 until lunchtime. During my lunch -- well, I took a late
21 lunch and picked the children up from school and took them
22 back to the office with me. If there was a Senate session
23 or a committee meeting, I stood at the office. All of the
24 other employees left; they went home. I stood there until
25 sometimes 10:00 or 11:00.

1 Many times when the Senate was in session, I would
2 be there as late as 2:00 or 3:00 in the morning until they
3 were finished just taking notes; or, if my brother needed
4 something, he would call. We're a very close family, so I
5 don't mind making the sacrifice.

6 My children were there with me. I made sure they
7 did their homework, you know, and got some rest and we went
8 home. There were many times when my parents would come and
9 pick the children up, so that they would get to bed early
10 but I made accommodations in my office. I had a comforter
11 and I had pillows, so once everything was set because I
12 believe in taking care of my children.

13 Q Why did you leave the office in 1997?

14 A My brother was not reelected and I sent off
15 resumes. Of everyone in his office, I was the only one who
16 was not hired. To put it nicely my last names is James and
17 I was blackballed. It was very difficult to get a job. I
18 applied with the Division of Personnel. I was either told:
19 You're overqualified or there's nothing right now.

20 That is why I ended up donating my services to my
21 father, just doing whatever research he needed. Because
22 when he had legal briefs, he does not like to do research.
23 **So** that's where I came in. I did his legal research and I
24 did a lot of his secretarial work.

25 Q When you say that because your last name was James

1 you thought you were blackballed, do you mean that was
2 related to your brother losing the election, or did you mean
3 something different?

4 A Well, it goes back years from when my uncle was in
5 the legislature and my father was in the legislature. It
6 seems as though -- I have lived it, so I know what I'm
7 saying. It seems as though there's one standard for my
8 family and it hurts me and I'm sorry. One standard for my
9 family and it has been that way all of the years and that is
10 why when my parents asked me to move back to St. Croix,
11 although my son was not a well child, I figured I could make
12 a difference and show people who we are because we don't do
13 anything just for the money. The money means nothing. We
14 are trying to give back to our community. Excuse me.

15 Q You can take a minute, if you need a minute to
16 compose yourself.

17 A You know, I have lived that since I moved back to
18 St. Croix for 12 years. Up until last week, I experienced
19 something that I never thought I would and I'm sorry about
20 this but it has been building up and building up and getting
21 to me. This is the first time I actually broke down because
22 I know what my family has endured and I know what my brother
23 has endured. It's as though you can't do enough. You do
24 the most you can and they expect more out of you.

25 I'll give you a prime example with the radio

1 station. We have people who would come up there and expect
2 us to -- they want to walk on and just go on for free. But
3 they'll go to the other stations and they have to pay
4 hundreds of dollars and it's not a problem. But if I tell
5 them they have to pay, I get cursed some words that are, you
6 know, this long. I've been enduring that. But I told them
7 it's a place of business and it's not a charitable
8 institution. Yes, we do a lot of community work. We're the
9 only station that does a lot of community work but still we
10 get -- I don't know.

11 We get persecuted for it because it seems as
12 though the name James is supposed to me, you know -- I don't
13 believe in a class system or anything like that but you're
14 supposed to be, according to them, high-class. That's now
15 how -- look at me, I'm a simple person. We're very humble
16 If we have \$5 and someone needs \$5, we will give it to them.
17 That's the kind of people we are. But it seems as though
18 things like that bothers other people. If you try to
19 achieve something, your own people are trying to pull you
20 back.

21 I have people working in the radio station who
22 have been sabotaging me. I have equipment that has been
23 walking out of that radio station. I held a staff meeting
24 last Friday and I told them I refuse to put anything else in
25 until I find out where the equipment went. I have people

1 when I get faxes that come into that station sometimes I
2 don't even get the faxes. Case in point, there was a fax
3 that was sent from up here by Mr. Colby to me, which I never
4 received but there was a copy that was out on the street.

5 I have an employee that when it came faxed it out.
6 I told him: I'm getting to the bottom of it because **WSTX** is
7 on a hill that is owned by the government. But I told them:
8 They'll be going down the hill because I've had enough of
9 it.

10 If I have to automate the entire station and send
11 everyone home, so be it, because I have to start building
12 back from somewhere. I don't believe that I should have to
13 keep enduring these kinds of actions against me because
14 things have happened to me personally. I've been
15 threatened, yes, I have. I have been threatened.

16 Q Who threatened you and when?

17 A One of my employees, who walked off because I told
18 him -- he had had a talk show and I told him he could not do
19 what he was doing. He had to do things in a certain way
20 because I didn't want any problems with FCC. He said: Well,
21 if I can't do what I want, then I'm going.

22 I was at home with my son at the time when I
23 called because I heard the direction in which he was going,
24 when he was doing his talk show. I called and I told the
25 secretary that I'd like to speak to him when he takes his

1 break. She told him I wanted to speak to him now, which was
2 not what I said.

3 So he came on the phone and he said: Yes, boss? I
4 said: No. My name is Barbara. They respect me up to a
5 point but I always tell them: Call me Barbara if you feel
6 more comfortable. You don't have to call me Ms. James or
7 Ms. Petersen. Barbara's fine, as long as I know that the
8 respect is there.

9 When he came on the phone, I told him I said: You
10 can't do that. Remember I told you you have to be
11 circumspect about how you say things. Remember that we have
12 to follow FCC rules and regulations.

13 Well, this is my show and if I can't do it my way
14 and I said: Just wait a minute. Finish your show and I'll
15 be up there. We'll sit down and discuss it. If you have
16 any questions, I'll be happy to explain where you're going
17 wrong.

18 By the time I got my son, who was sick in bed and
19 got him out of bed, fixed the back seat of my mother's car
20 and put him in the car and got to the station, he was gone.
21 I had some of his close followers calling me and threatening
22 me and my three children. My oldest daughter was at
23 Grambling State University at the time and my father had
24 just had triple-bypass heart surgery. My brother, who was
25 Lieutenant Governor at the time, had been up here for a

1 Lieutenant Governor's conference. I was the only one in St.
2 Croix. I called the police and --

3 Q When was the approximate date of this incident?

4 A This was approximately March. I remember the
5 date, March 6, 2000.

6 Q Of 2000?

7 A Yes, it was. I called the police and filed a
8 police report. I got in touch with my brother and his
9 security called and I also asked them to just circle the
10 station once in a while, you know, when they're in the
11 vicinity and to check on the house also because I was the
12 only one in the house. The house is a large house. That's
13 why my parents asked me instead of two people just living in
14 the house and there's all this room they told me: Stay there
15 with them with the kids.

16 I had no problem with that because when my parents
17 need help I'm right there. There are times when my mother
18 isn't well and my father isn't well. As the only girl and
19 the oldest -- I have three brothers but everyone looks to
20 me, especially when it comes to illness. I'm supposed to
21 take care of everyone. I don't have a problem with that.
22 If I'm there, I don't mind doing that because those are my
23 parents. They brought me into this world.

24 But getting back to this incident, for a week and
25 a half or almost two weeks, I had people calling me at the

1 radio station cursing me. They would call the talk shows.
2 They would strip me bare but it was fine because it was
3 Barbara. The same gentleman went over to work at Sunny 99,
4 which is owned by --

5 Q What is the name of the gentleman?

6 A Mario Morehead.

7 Q Mario Morehead.

8 A Yes.

9 Q What kind of show did he have?

10 A He had a talk show.

11 Q What sort **of** talk show? What was the genre?

12 A They just discussed local issues. At the time, he
13 was trying to start an organization called the Crucian
14 Coalition. He was kind of getting away from the purpose of
15 the organization that he was trying to create. He was
16 trying to make it seem, for lack of better term, you know,
17 like a little segregated group.

18 Q What was it about what he was saying on the air
19 that troubled you, that he was in an area that could violate
20 some sort of FCC rule or regulation?

21 (Multiple voices.)

22 A Well, he was pushing his organization free **of**
23 charge on the air. I did receive some calls from a few
24 people, who had different groups or different organizations,
25 who told me: Well, if he can be on the radio for three hours

1 a day pushing the Crucian Coalition free, then I need equal
2 time for my organization.

3 Q Okay.

4 A So I told him I could not afford that, a simple
5 request.

6 Q So you wanted him to not promote --

7 (Multiple voices.)

8 A Just be circumspect about how you -- I said: I
9 have no problem with you discussing the Crucian Coalition,
10 or the purpose of it. But he was actually openly and
11 blatantly pushing his organization, trying to recruit
12 members, during his talk show.

13 Q Now he's no longer on the air?

14 A No. He's no longer there. He left.

15 Q Did he quit or did you terminate him?

16 (Multiple voices.)

17 A He just walked off the station.

18 Q Okay. This was in the March 2000 time period?

19 (Multiple voices.)

20 A That was in March 2000.

21 Q Okay. After that, you received personal threats
22 and so did your family?

23 A Yes and I filed police reports. But backing up,
24 as far as my family is concerned, my parents purchased WSTX
25 in September 1990. Since I've moved home and I've been back

1 and forth, we've received threatening calls all hours of the
2 night, harassing calls. We've filed police reports. We've
3 had the telephones bugged or traced, so that they can trace
4 the calls all to no available. When we go --

5 (Multiple voices.)

6 Q That would have been --

7 A -- when we go to the police department, they say:
8 Okay. They got the list from the telephone company, which
9 at the time was by Telco, which is now Innovative Telephone.
10 They've gotten the list. It's your aunt who has been
11 calling. My aunt goes to bed at 7:00 p.m.. at the time she
12 was alive. My aunt was not well. During part of that time
13 period, my aunt was living with us because she was sick.

14 Q So you don't believe that the calls were properly
15 identified?

16 A They know who the callers were.

17 Q They didn't tell you?

18 A But since they're friends or relatives, they chose
19 to cover it up. That's the kind of thing that we've been
20 enduring.

21 Q This has gone on for what time period?

22 A It has gone on from 1990, things like that from
23 1990. We've gotten harassing calls. It's gotten to the
24 point where it happened so often, we ignored it. My
25 children have been through a lot. They've picked up the

1 phone and had, you know, little comments made and
2 everything. They answer the telephone. It doesn't bother
3 them any more because they've been through it so often, it's
4 like, you know, okay, no big deal.

5 Q Ms. Petersen, you had mentioned before that you
6 had experienced intimidating things, up until a week ago.
7 What were you making reference to?

8 A Up to a week ago, I got a telephone call telling
9 me that -- and I told the person I said: Well, if there's a
10 problem, you can come and see me. My number is listed, my
11 family's phone. We've always had a listed telephone number.
12 You know where to reach me. If I'm not at home, I'm here at
13 the station.

14 They said: Well, they heard that I'm selling the
15 station. I said: Well, I heard that, too, but unfortunately
16 I haven't said that. Because if it's up to me, I'd like to
17 resolve the issues and prove that I can operate WSTX the way
18 it should be operated. And if, at the end of a certain time
19 period, I have proven that I can't do it, I would be the
20 first to throw my hands up and say that I give up. It has
21 to be sold or something else has to be done with it.

22 But I said: At least give me the opportunity to
23 prove myself. Well, we want to get the station, you know. I
24 didn't recognize the voice. And we will do everything we
25 can, you know, to make sure you don't keep it and things

1 like that.

2 Q This was a local --

3 A It was a local voice. I have had people call me
4 from -- one young man called me from Chicago. He used to
5 work at a radio station in St. Croix. He told me he heard
6 that I'm selling the station. I said: I am? He said: Yes,
7 you are. So I want you to put my name down.

8 So anyone that expressed an interest in the
9 station, all I simply do is give them attorney Colby's name
10 and number and say: You can discuss the matter with him.
11 But to the best of my knowledge, I am in no position to sell
12 nor am I interested in selling at this time.

13 I said: Now if I'm told that I have to get rid of
14 it, then I have no choice. But I said: At least give me the
15 change to prove myself.

16 Well, we want the station, or we have a group
17 who's ready to buy it. All of a sudden everyone wants WSTX.
18 When it was just a shell after Hurricane Hugo, no one wanted
19 it. We've been getting offers since November 1990. I was
20 in my father's office when Jonathan Cohen and Bob Miller
21 came in and expressed an interest in getting WSTX FM.

22 At the time, my father said: Well, I just got the
23 station. Give us a chance, you know. It was up for sale.
24 Why didn't you put in a bid? Why didn't you, you know, get
25 it? They didn't want it then.

1 Once we got it, everyone was coming out of the
2 woodwork. They wanted it. This has been something that we
3 have been going through over the years. A lot of it I was
4 not privy to, unless I answered the phone at home, or unless
5 I was at the radio station. Since I've been in the position
6 I'm in, especially since March 2001, the calls have been
7 coming there. A lot of people still bypass me and call my
8 father. He'll tell them: Well, you have to deal with
9 Barbara. You know, I don't have anything to do with WSTX as
10 far as the operation.

11 Still, you know, I guess they feel that I'm a
12 female. **So** they prefer to speak to him and he must pass it
13 on to me. If he comes with that at any time, I just ignore
14 it and tell him: I'm here. They know my telephone number.
15 They know how to get me. The same way they called you, they
16 can call me.

17 Q Has anyone made an offer in terms of a dollar
18 amount for the purchase of the station?

19 A I've gotten an offer indirectly, not directly,
20 from **Mr.** Cohen, but indirectly.

21 Q **Mr.** Cohen is?

22 A Jonathan Cohen. He's the one that owns Isle 95,
23 Sunny 99 and I think he has a radio station in St. Thomas.
24 He is also the gentleman who Mr. Morehead went to work for
25 after he left me.

1 Q He's made a cash offer, or put a price on an
2 offer?

3 A For the FM station.

4 Q FM only.

5 A But it wasn't mentioned directly to me. It came
6 by way of a third-party.

7 Q Who's the third-party?

8 A Herb Schoenbohm, who does engineering work for Mr.
9 Cohen also.

10 Q You know him personally?

11 A Yes. Because he does engineering work for me from
12 time to time.

13 Q What was the offer that --

14 (Multiple voices.)

15 A \$200,000 for the FM.

16 Q Do you know if you father received any offers that
17 included a dollar amount?

18 A When I was up here for my deposition, I know Mr.
19 Neal Ottley, he's known as Addy Ottley, he owns WSTA **AM**. He
20 made an offer for the radio station but not to me. He kept
21 calling my father and my father told him to call me. I do
22 believe he even made an offer and mentioned it to my brother
23 but my brother had nothing to do with the station. My
24 brother was --

25 (Multiple voices.)

1 Q This is your brother, Gerard, Jr.?

2 A Yes. My brother was deep into politics. He has
3 his funeral home. He's a funeral director so, you know, he
4 wasn't interested in anything with the radio station. So he
5 told him: Well, you have to talk to my sister.

6 Of course, they never called me but I know he did
7 mention, if I'm not mistaken, I think he mentioned a figure
8 of \$75,000 but I could be wrong. He said it was a good deal
9 and we need to jump on it and take it right now. This was
10 back in March, February or March. But this was second-hand
11 information that I got.

12 Q Second-hand from your brother?

13 A From my brother and he called my father and told
14 my father, too. My father told him to speak to me, which he
15 never did. For some strange reason when they're told to call
16 me -- I was also told -- well, someone mentioned to one of
17 my parents, and I don't recall which one, that I was very
18 difficult. Because they figured when they called and they
19 said: Okay. We're offering you X amount of money, I would
20 jump at the opportunity.

21 Q They expected you to jump at the opportunity?

22 A Yes.

23 Q You didn't so they --

24 (Multiple voices.)

25 A I didn't so they say I'm being difficult and, you

1 know, I'm hard-headed.

2 Q Have members of your family recommended to you
3 that you accept an offer for sale?

4 A Not outright. I know when all of the problems
5 started, my mother, she just threw her hands up in the air
6 and she said: Well, maybe we need to just get rid of it.
7 But that was just a comment that she made. Then she said:
8 Well, you moved home. You made a sacrifice. Your husband
9 is up there and you've been going back and forth. You have
10 your son here and you came home with Jamie, who is always
11 sick. Maybe at least see what you can do with it and then
12 we'll go from there. But not that they have told me: Yes.
13 You need to sell it or, you know, anything like that.

14 Q Getting back to what we were talking about before
15 on your --

16 A Sorry. I got off-track. I'm sorry about that.

17 Q -- on your professional history. You said your
18 brother was not reelected to the Senate in 1997? Is that
19 right?

20 A Right.

21 Q He was reelected to the government at a point in
22 time. When was that?

23 A In November '98 as Lieutenant Governor.

24 Q So he spent one year outside of government?

25 A Yes. It was roughly two years because he was

1 sworn in in 1999.

2 Q In 1999 and you didn't go back to work for him
3 when he went back to public service?

4 A No, I didn't.

5 Q Okay. During the time from 1992 to 1998, when you
6 say you were not working at the radio station, did you have
7 any responsibilities with respect to the station?

8 A The only thing I did was the payroll. Well, at
9 one point, my father had taken that from me and given it to
10 one of his secretaries. But then when she left because she
11 was sick and she had to have surgery and she never came back
12 that's when I got the payroll back.

13 Q Okay.

14 A **So** I was more or less doing the payroll --

15 Q From 1990 forward?

16 A Yes. Except for approximately a two-year period.

17 Q When would that have been?

18 A Boy! I don't recall the exact years but it may
19 have been between '93 and '95, if I'm not mistaken.

20 Q When you say --

21 (Multiple voices.)

22 A It could have been a little later than that.

23 Q -- when you say one of your father's secretaries,
24 do you mean one of your father's secretaries at Family
25 Broadcasting, or one of his secretaries at his office.

1 A In his office.

2 Q His office?

3 A Yes.

4 Q I'm sorry. You mean his law --

5 (Multiple voices.)

6 A His law office.

7 Q Okay. So the payroll was the only task you had
8 for the Family Broadcasting during that period?

9 A Yes.

10 Q Did anyone report to you during that period who
11 worked at Family Broadcasting?

12 A No. Not when I was working at the legislature.
13 The only time they would say anything to me about the
14 station was when I actually went back up there, physically
15 went back to the station.

16 Q When would that be?

17 A 1998. But that only involved -- I went back there
18 in July 1998. And that only involved, you know, the daily
19 operation: if something was wrong with a piece of equipment
20 and I needed to get someone to fix it, or they needed
21 something. That was the extent of the communication.

22 Q Did you ever visit the radio station office during
23 the period of '92 to '98?

24 A Very rarely. I would go up there on Saturdays to
25 help because we have a talk show all day on Saturday called

1 Community Digest. The telephone lines would be inundated
2 with calls, so, you know, I would always make sure I'm up
3 there and try to get people. We have two telephone numbers
4 and try to get them accustomed to just using the one line
5 for on-air calls.

6 They would always call the office line also. I
7 was there to try and divert them to call the correct line,
8 which, up to this day, is still a problem because some
9 people are accustomed to calling the office number and some
10 of the employees would still put them through. But, other
11 than that, just on Saturdays, you know, to help with the
12 telephones. That was about it.

13 Q Did you ever visit the towers during that period?
14 The antenna towers?

15 A Well, the **AM** tower was right there at the time and
16 I could see it from the window

17 Q Okay.

18 A Yes. I've gone up to the building where the
19 transmitter is and the tower is at the other side of it.

20 Q Did you do that during the period of '92 to '98?

21 A Well, just take a walk up the hill because it's a
22 beautiful site, you know, take pictures. But not to
23 actually do any type of work at the facility up on the hill.

24 Q Okay. Did your brother visit the office of Family
25 Broadcasting during this period?

1 A The only time he visited would be whenever he was
2 a guest on any of the shows, any of the programs, and that
3 was it. That was the extent of his dealing with WSTX.

4 Q When he was a guest, it would have been in his
5 professional capacity?

6 A Yes. As a Senator or as Lieutenant Governor.

7 Q The Saturday show that you made reference to, who
8 handled that show on air?

9 A At the time in 1992, up until August when my uncle
10 was still alive, my uncle, Dr. Randall James, had a program.
11 Community Digest was divided into segments. It was the Week
12 in Review team, which is a group of approximately four or
13 five young people from the community with different
14 professions, who would discuss different issues dealing with
15 the government. That would start from 8:00 a.m. until
16 approximately 10:00.

17 Until Dark would start from 10:00 to 12:00. Then
18 my father would have the last segment, which would be from I
19 think it was 12:00 to 2:00. But since I went up there, I
20 changed the times and changed it around, so that's why I
21 can't remember that far back. But it was approximately from
22 8:00 until 2:00 and there were three segments.

23 Q Okay. Still focusing on this time period from
24 1992 to 1998, did you have check-signing authority during
25 that period for Family Broadcasting?

1 A I did but I very rarely signed any checks.
2 Usually, it was my mother and my father. If my father
3 needed a check signed and he used one of the Family
4 Broadcasting checks, he needed a second signature. Usually,
5 my mother was always at home, so he would just pass by and
6 ask her to sign it. She would sign it and he had the second
7 signature.

8 But, usually, my father did a lot **of** the business
9 with Bank of Nova Scotia where the account is but he did it
10 by bank money order or manager's -- what do you call it?
11 Bank-manager's check.

12 Q Like a cashier's check?

13 A Like a cashier's check.

14 Q Okay. I'm going to show you a document.

15 MS. DeNIGRO: If we could have this marked for
16 identification. I have several copies, so you can give this
17 one to everyone.

18 THE REPORTER: What's the number?

19 MS. DeNIGRO: One. You can just start at one.

20 Right, Jim? There's no --

21 MR. SHOOK: (No response.)

22 MS. DeNIGRO: Okay. I'll hand one down to you
23 also, so you can just see what we're speaking **of**.

24 BY MS. DeNIGRO:

25 Q If you could just take a second to look at that

1 and tell me if you've seen it before?

2 (The document referred to was
3 marked for identification as
4 Deposition Exhibit No. 1.)

5 A I have never seen this one.

6 Q You've never seen this document before?

7 A No.

8 MR. COLBY: Neither have I.

9 MS. DeNIGRO: You've never seen this document
10 before, either?

11 MR. COLBY: I've never seen that particular one.

12 MS. DeNIGRO: For the record, the document is an
13 August 25, 1997 letter from Reuben Jusino in the Federal
14 Communications Office in San Juan, Puerto Rico to Family
15 Broadcasting. It discusses violations identified in an
16 August 19, 1997 visit to Family Broadcasting.

17 BY MS. DeNIGRO:

18 Q You didn't see this during the period of 1997 and
19 you have not seen it since that time. That's correct?

20 A No, I have not. This is the first time I'm seeing
21 this.

22 Q You've not seen this in the files at Family
23 Broadcasting?

24 A No, I haven't.

25 Q Okay.

1 A If this was part of the documents that we got
2 copies of for the public files, I don't recall seeing this
3 in it and I have those public files.

4 Q Okay.

5 A I don't recall seeing this.

6 Q Did your father discuss a visit from the FCC
7 during the period of 1997 with you?

8 MR. COLBY: Now you're asking about the visit from
9 Reubin Jusino?

10 MS. DeNIGRO: Yes, I am.

11 MR. COLBY: Yes.

12 MS. DeNIGRO: Correct.

13 THE WITNESS: Not that I can recall.

14 BY MS. DeNIGRO:

15 Q Do you remember ever hearing about a visit in
16 August 1997 from Reubin Jusino?

17 A Maybe at the dinner table, if he said anything, it
18 would just be in passing: The FCC came by today, you know.
19 Because my father did everything. He felt that he could do
20 everything for the station by himself and, you know, he
21 never communicated. If there was ever any problem, he never
22 said it to us. He kept it to himself.

23 Now, unless something came in that came to my
24 hands and if my name was not on it and I happened to check
25 the mailbox and I have the authority to sign for any

1 certified mail or anything, I would just sign it and pass it
2 on to the person it's addressed to.

3 Q Okay.

4 A But this one I have never seen. This is the first
5 time I am seeing this.

6 Q When you say your father may have mentioned
7 something at the dinner table, do you recall him mentioning
8 something at the dinner table?

9 A No. I said if he did.

10 Q If he did, yes. You don't recall **or** have a
11 recollection of that?

12 A No, I don't recall him ever mentioning that.

13 Q Okay.

14 MS. DeNIGRO: I'm going to mark another document.
15 Actually, I'm going to mark two at this time and we'll make
16 them Deposition 2 and Deposition 3.

17 (The documents referred to
18 were marked for identification
19 as Deposition Exhibit Nos. 2
20 and 3.)

21 BY MS. DeNIGRO:

22 Q Ms. Petersen, if you'll just take a minute to look
23 at those and let me know when you've done that.

24 A I don't recall seeing this.

25 Q **For** the record, I have handed Ms. Petersen two

1 documents, dated December 8, 1997, and entitled: Official
2 Notice of Violation from the Federal Communications
3 Commission. Ms. Petersen, have you seen these documents
4 before?

5 A Not that I can recall. If I did see them, it
6 would have been like I said when I got copies of all the
7 documents for our public files.

8 Q So the only time you --
9 (Multiple voices.)

10 A On my last visit here

11 Q On your last visit here, meaning in 2001?

12 A In 2001. My father had also gotten some in 2001.
13 He came in May. May? Yes, May 2000, I think it was.

14 Q Do you remember your father discussing these
15 documents with you at any time?

16 A No, I don't.

17 Q Do you remember any employee at the radio station
18 discussing these documents with you at any time?

19 A No, I don't. No.

20 Q We can set those aside. That's great. You can
21 just pile them up like that and we'll keep them in some sort
22 of order.

23 MS. DeNIGRO: I'm going to mark two more documents
24 for identification. They can be 4 and 5.

25 //

1 (The documents referred to
2 were marked for identification
3 as Deposition Exhibit Nos. 4
4 and 5.)

5 BY MS. DeNIGRO:

6 Q If you can just take a look at those and let me
7 know when you've taken a look. Okay. I handed the witness
8 two documents, dated May 28, 1999, on Family Broadcasting,
9 Inc.'s letterhead addressed to Jacqueline Ellington of the
10 Federal Communications Commission.

11 MR. COLBY: You know, I have no objection to the
12 use of these documents but I don't remember seeing these
13 particular letters either.

14 MS. DeNIGRO: Okay.

15 MR. COLBY: I have no objection but I just want to
16 make it clear that I don't recall these two letters.

17 MS. DeNIGRO: Okay.

18 MR. COLBY: I recall a letter in which Mr. James
19 talked about the transfer of the **AM** being up to par.

20 MS. DeNIGRO: Okay.

21 MR. COLBY: But that doesn't seem to be one of
22 these two letters.

23 BY MS. DeNIGRO:

24 Q Ms. Petersen, have you seen these letters before?

25 A No. No, I have not.

1 Q Do you remember discussing the content of these
2 letters with your father or anyone else --

3 A No.

4 Q -- in Family Broadcasting in the 1998 time period?

5 A No, it isn't.

6 Q Or seen it at that time?

7 A No, not this. I may be mistaken but I don't think
8 I have this in my file either. This is the first time that
9 I'm seeing this.

10 Q That's consistent with your statement on the last
11 exhibits as well, that you don't believe that these are in
12 the public file that you've seen at the station, correct?

13 A Yes. I have so many pages. I don't recall seeing
14 these though, especially with the pictures. I've never seen
15 these pictures of the --

16 Q Okay.

17 MS. DeNIGRO: What am I up to?

18 THE REPORTER: Number 6.

19 MS. DeNIGRO: Deposition No. 6? I'm going to mark
20 two more as Deposition Exhibits 6 and 7.

21 (The documents referred to
22 were marked for identification
23 as Deposition Exhibit Nos. 6
24 and 7.)

25 For the record, these are two documents, dated

1 April 23, 1998, from the Federal Communications Commission
2 to Family Broadcasting.

3 MS. DeNIGRO: I'll hand you a copy of each of
4 these and I'll hand you a copy of each of these for that
5 table.

6 BY MS. DeNIGRO:

7 Q Ms. Petersen, I'm going to ask you the same
8 questions. If you'll take a look at these documents and
9 tell me if you've ever seen them before?

10 A No, I have not. Unless I now have these in my
11 public file, you know, when I got copies, but other than
12 that --

13 MR. COLBY: May I say possibly to save a little
14 time here to instruct my client that she wouldn't have to
15 have these in the public file. They would not be required
16 documents.

17 BY MS. DeNIGRO:

18 Q You don't remember discussing the content of this
19 letter with your father or anyone else in Family
20 Broadcasting, during the period of 1998?

21 A No, I don't.

22 Q Okay.

23 MS. DeNIGRO: Okay. I am going to mark as Exhibit
24 Nos. 8 and 9. Well, let me hand you 8 and 9 to mark.

25 //

1 (The documents referred to
2 were marked for identification
3 as Deposition Exhibit Nos. 8
4 and 9.)

5 BY MS. DeNIGRO:

6 Q Ms. Petersen, if you can look at those two
7 documents and tell me if you've seen them before? For the
8 record, these are two documents both dated Notice of
9 Violation and both dated May 1, 2000 from the Federal
10 Communications Commission.

11 A I recall my father bringing the letters home.
12 But, as it says here, a fax was sent to me, which I never
13 received, the fax. Because there are many times things come
14 in there on the fax to the station and, for some reason, it
15 goes somewhere else. I don't get it.

16 So I don't recall seeing both. I remember seeing
17 one when he brought the letter home because I think he got
18 it in his mailbox and he brought it home. He said: Here
19 Read this. But then that was when I was just a title and I
20 remember asking him when I saw this letter because I
21 remember that date, asking him if he wanted me to take care
22 of it? He said: No, no, no. I'll handle it as usual, which
23 we know what his usual is.

24 Q Did you see the FM or the **AM** at that time? You
25 said you saw one that --

1 (Multiple voices.)

2 A I don't recall which one it was because I know he
3 said they were more or less the same. I remember him giving
4 me one letter, but I honestly don't recall whether it was
5 the AM or the FM.

6 Q Did you read through it at that time?

7 A Yes. I remember if this is the one that mentions
8 the fence and the EAS Handbook, which I personally
9 downloaded a copy of that off of the website. Because when
10 I went up there, whenever I got my hands on anything that he
11 received from the FCC, which wasn't too often, whenever I
12 got my hands on anything and I read it through, if there was
13 anything that needed to be done to come within compliance, I
14 made sure I would go to the website and get the information
15 off of it because that is how I got the EAS Handbook.

16 Q As of this time and I'm referring to the date on
17 the document, May 1, 2000, had you received things from the
18 FCC before? You had just made reference to any time you got
19 something from the FCC, you would try to take care of it.

20 A I do remember getting mail in the mailbox that was
21 addressed to him. Many times if it came certified or even
22 if I checked the mailbox and there's a copy there, I would
23 take it immediately to him. Here. This is something from
24 the FCC. Let me know what it's about, so that we can start
25 working on it. But that was the extent of it.

1 Q Do you ever remember him telling you what you
2 could work on with respect to one of those letters?

3 A My father?

4 Q Yes.

5 A No.

6 Q Was downloading the EAS Handbook --

7 (Multiple voices.)

8 A Well, that I did on my --

9 Q -- to the first meeting? I'm sorry. When we talk
10 over each other --

11 A I'm sorry.

12 Q -- it makes it very difficult for the court
13 reporter.

14 A I'm sorry.

15 Q So I'll try not to interrupt.

16 MR. COLBY: Let me interject something here. When
17 you asked about letters, are you referring to the Notices of
18 Violation?

19 MS. DeNIGRO: The witness has just testified that
20 she didn't see any of these notices that we've just gone
21 through, so I wouldn't be making reference necessarily to
22 these in particular. The witness also testified that she
23 did remember from time to time receiving documents from the
24 FCC that she gave to her father. So I was trying to yet
25 more clarity on that testimony.

1 MR. COLBY: The only thing I'm trying to clarify
2 is: Is the question that you're asking her now is not
3 restricted to these notices of violation. It's any
4 documents that may have come from the FCC?

5 MS. DeNIGRO: That's correct.

6 MR. COLBY: All right.

7 MS. DeNIGRO: Any notice that she had just made
8 reference to having received, some documents from the FCC
9 and I was speaking about those documents more generally.

10 BY MS. DeNIGRO:

11 Q Can you recall a specific instance when you
12 received something from the FCC and --

13 A Me personally?

14 Q You personally?

15 A The first thing that I received was back in
16 February 2001. That is when my employee, Al Clark --

17 Q Yes.

18 A -- called me one evening. It may have been a
19 Wednesday evening and told me that something had **just** come
20 in on the fax and it has the FCC letterhead at the top. So
21 I said: Okay. I was at home sick with the flu at the time.
22 I said: Okay. Meet me halfway. He was on his way home and
23 I said: Meet me halfway and I'll get the documents. You
24 bring it for me.

25 That is when he brought me the copy of the Notice

1 of Violation that has gotten us to this point thus far.

2 Q Yes.

3 A However, that was not --

4 MR. COLBY: Can I stop you just a minute here?

5 May I ask the witness a question?

6 MS. DeNIGRO: Yes.

7 VOIR DIRE EXAMINATION

8 BY MR. COLBY:

9 Q Are you referring to a Notice of Violation or are
10 you referring to an Order to Show Cause that was faxed to
11 you in February 2001?

12 A Okay. The February one, that was the Order to
13 Show Cause that came and it did not come from the FCC. It
14 was faxed from an attorney's office in Alexandria, Virginia,
15 who got the information I guess from the Daily Digest and
16 faxed a copy of the **AM** and the FM Order to Show Cause to the
17 radio station along with a cover letter offering his
18 services. That is what Al brought to me but --

19 FURTHER DIRECT EXAMINATION

20 BY MS. DeNIGRO:

21 Q Okay. Let's set that aside for just a moment and
22 refer to a different time period. The time period can be
23 relevant to these inquiries. When we were looking at this
24 document dated May 1, 2000, which is Deposition Exhibit 8
25 and Deposition Exhibit 9, you said that you did see this and

1 that you know you went to the website and downloaded the EAS
2 data book. And you said that it was your practice at that
3 time to try to answer any problems that you identified from
4 FCC correspondence.

5 So, during this time period or prior to this time
6 period, what materials do you remember receiving and what
7 tasks do you remember undertaking in order to satisfy
8 questions raised by the FCC?

9 A Prior to this? Nothing.

10 Q This was the first communication that you ever
11 saw?

12 A That I recall --

13 (Multiple voices)

14 Q Okay.

15 A -- seeing because I remember the emergency alert
16 system handbook that was requested and that I did get off of
17 the website. I personally got that. I remember just
18 reading through and asking him if he wanted me to take care
19 of it and he said he would do it. But then I went to the
20 website and I started trying to get information. I remember
21 that's where I got the EAS Handbook.

22 MR. COLBY: Can the record show that when the
23 witness testified that she remembered this, she pointed to
24 one of the May 1, 2000 Notices of Violation?

25 MS. DeNIGRO: Absolutely. That's what we're

1 talking about, the May 1, 2000 Notice of Violation. That's
2 what the question indicated.

3 MR. COLBY: Sometimes when we get the transcript
4 back, if you don't clarify those things, you have to try to
5 figure it out.

6 MS. DeNIGRO: No problem.

7 BY MS. DeNIGRO:

8 Q Do you remember having any other conversations
9 with your father, or doing anything else with respect to
10 these two exhibits: Deposition 8 and Deposition 9?

11 A No. Because he just gave it to me. Here. Read
12 this. Then, you know, no sooner than I was finished, he
13 took it back.

14 Q The only time you saw the letter was at home when
15 he showed it to you?

16 A Yes. He brought it home.

17 Q You did not maintain your own copy?

18 A No. He took it and my question to him was: Do you
19 want me to deal with this and, you know, go through it point
20 by point? And he said: No, that he would take care of it.

21 Q Did you discuss it with any other employee of the
22 radio station?

23 A No.

24 MS. DeNIGRO: I am going to mark two more exhibits
25 as 10 and 11.

1 (The documents referred to
2 were marked for identification
3 as Deposition Exhibit Nos. 10
4 and 11.)

5 BY MS. DeNIGRO:

6 Q If you could take a moment to look at those two
7 documents and tell me if you have seen them before?

8 A Okay.

9 Q For the record, Deposition 10 is a July 19, 2000
10 letter from the Federal Communications Commission to G.A.
11 James, Esquire; and Deposition 11 is a fax transmission
12 cover sheet from the Federal Communications Commission to
13 Barbara James-Petersen, General Manager of Family
14 Broadcasting, Inc.

15 A I don't recall this cover page. You're referring
16 to --

17 (Multiple voices.)

18 Q That's Deposition 11?

19 A -- Deposition or Exhibit No. 11.

20 Q Right.

21 A Exhibit No. 10, the letter of July 19, 2000
22 addressed to my father, I do believe, I could be mistaken
23 but I think I signed for this at the post office. I gave it
24 to him but again this letter he gave it to me. Well, as a
25 matter of fact, at that time, I may have asked him to read

1 it. I read it and, as usual, he said that he would take
2 care of it. So I just left it alone because I had a title
3 but I had no authority to do anything. He was signing
4 everything. He did everything himself. But this, I don't
5 recall. If it did come into the radio station, it didn't
6 get to me.

7 Q You're referring to Deposition 11?

8 A The fax transmission, Exhibit No. 11, addressed to
9 me.

10 Q Tell me how fax transmissions were handled as a
11 practical matter at Family Broadcasting's office during the
12 period of July 2000?

13 A The fax has always been located in the office of
14 Mr. Al Clark. It just happens that that is where we set the
15 fax. I have already spoken to the telephone company to move
16 that into the office because too many things have been over
17 the years coming up missing. People who are sent faxes, for
18 some strange reason, they don't get the fax because it's in
19 an open area that is easily accessible to anyone who's in
20 the studio, or who comes through the building.

21 You have to pass the fax machine to get to the
22 restroom the way the building is situated, which I know that
23 accounts for a lot of the things not getting to the person
24 or persons that they're faxed to, their addressed to.
25 Because I've had complaints from people many times saying